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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MAINE STATE RETIREMENT SYSTEM,
Individually and On Behalf of All Others
Similarly Situated,

Plaintiff,

v.

COUNTRYWIDE FINANCIAL
CORPORATION, *et al.*

Defendants.

No. 2:10-CV-00302 MRP
(MAN)

CLASS ACTION

**PLAINTIFFS' NOTICE OF
REQUEST AND REQUEST
FOR JUDICIAL NOTICE**

Date: October 18, 2010
Time: 11:00 a.m.
Courtroom: 12
Judge: Hon. Mariana R.
Pfaelzer

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE that Plaintiffs, by and through their attorneys of
3 record, hereby request that the Court take judicial notice, pursuant to Federal Rule
4 of Evidence 201 and supporting case law, of the five documents attached hereto as
5 Exhibits 1 through 5.

6 This request is based on the attached Memorandum of Points and Authorities
7 in support thereof, the papers, records, and pleadings on file herein, and upon any
8 additional argument or evidence permitted by the Court.

9 Dated: September 13, 2010

Respectfully submitted,

10 **GLANCY BINKOW & GOLDBERG**
11 **LLP**

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Lead Counsel for the Class

MEMORANDUM OF POINTS AND AUTHORITIES

Federal Rule of Evidence 201 provides that a court may take judicial notice of a fact “not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.” Fed. R. Evid. 201(b).

Plaintiffs respectfully request that the Court take judicial notice of Exhibit 1, attached hereto, which is a true and correct copy of a complaint filed on June 12, 2008 in the State Litigation related to this federal action. This Court may take judicial notice of pleadings and papers filed in related actions. *Burbank-Glendale-Pasadena Airport Auth. v. City of Burbank*, 136 F.3d 1360, 1364 (9th Cir. 1998) (granting request for judicial notice of pleadings in related action); *MGIC Indem. Corp. v. Weisman*, 803 F.2d 500, 504 (9th Cir. 1986) (same). In their own request for judicial notice the Countrywide defendants ask the Court to take judicial notice of another complaint filed in the State Litigation. Countrywide Defendants’ Request for Judicial Notice, Dkt No. 160, Ex. 25 (Aug. 16, 2010).

Plaintiffs also respectfully request that the Court take Judicial notice of Exhibit 2, which is a true and correct copy of the complete Q1 2007 Countrywide Financial Corporation Earnings Conference Call transcript, dated April 26, 2007, if it grants Defendants’ request to judicially notice an excerpt from this document. Defendants have requested that the Court judicially notice and consider a single page from this transcript. Countrywide Defs.’ Request for Judicial Notice, Ex. 44. Plaintiffs ask that if the Court grants Defendants’ request to judicially notice this transcript it should judicially notice the entire transcript, not merely the page provided by Defendants.

1 Finally Plaintiffs respectfully request that the Court take judicial notice of
2 Exhibits 3-5, three press releases related to J.P. Morgan Chase & Co.'s acquisition
3 of Bear Stearns dated March 16, 2008, March 24, 2008 and May 31, 2008, each of
4 which was filed with the SEC. Courts may take judicial notice of SEC filings for
5 appropriate purposes. *In re Dura Pharms., Inc. Sec. Litig.*, 548 F. Supp. 2d 1126,
6 1129 n.1 (S.D. Cal. 2008).

7
8 Dated: September 13, 2010

Respectfully submitted,

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